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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. *2013-423*

13 **DAVID N. CHAYKIN**
14 **a.k.a. DAVID NATHAN CHAYKIN**
15 **2731 Wimbledon Street**
Napa, CA 94558
16 **Registered Nurse License No. 496544**

A C C U S A T I O N

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 31, 1993, the Board of Registered Nursing issued Registered
24 Nurse License Number 496544 to David N. Chaykin, a.k.a. David Nathan Chaykin,
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2013, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board), under the

1 authority of the following laws. All section references are to the Business and Professions Code
2 (Code) unless otherwise indicated.

3 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
4 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
5 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Code section 2764 provides that the expiration of a license shall not deprive the
7 Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a
8 decision imposing discipline on the license. Under Code section 2811(b), the Board may renew
9 an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 COST RECOVERY

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
26 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
27 may be included in a stipulated settlement.

28 ///

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 8. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), in that on or about January 10, 2005, in a disciplinary action before the New York State
6 Educational Department, Office of Professional Discipline, State Board for Nursing, (New York
7 Board), filed against David Nathan Chaykin, CAL. NOS. 21846 (L.P.N.), 21847 (R.N.), the New
8 York Board granted Respondent's Application for a Consent Order. Pursuant to the Order,
9 Respondent agreed not to contest a charge of professional misconduct and accepted a penalty
10 including a three month suspension of his licenses to practice nursing in the State of New York.
11 The underlying circumstance follows:

12 a. On or about September 30, 2003, while working as a scrub nurse/first assistant in the
13 operating room at New Island Hospital in Bethpage, New York, Respondent abandoned a patient
14 in need of professional nursing care by leaving the operating room and his duties as first assistant
15 to the surgeon, before the surgical procedure was completed.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 496544, issued to David
20 N. Chaykin, a.k.a. David Nathan Chaykin (Respondent);

21 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
22 the investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3;

24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: November 27, 2012

26 *for* LOUISE R. BAILEY, M.ED., RN
27 Executive Officer, Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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